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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,066	07/26/2001	Kazuto Nishida	2001-1055A	5756
513	7590	10/27/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			HARAN, JOHN T	
		ART UNIT	PAPER NUMBER	
		1733		

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/890,066	NISHIDA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	John T. Haran	1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on 04 October 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): none - see attached page.
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 98 and 99.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 72-80, 82-96, 100-105, 107, 125-133, and 135-142.

Claim(s) withdrawn from consideration: 109-124.

8.  The drawing correction filed on \_\_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) ( PTO-1449) Paper No(s). filed 8/5/04.

10.  Other: note attached 892 form

***Election/Restrictions***

1. Applicant's traversal of the election by original presentation is not found persuasive because claim 109 has the claimed special technical feature that the same device performs the shaping step and bonding step whereas claim 72 does not claim such. All other common technical features between claims 72 and 109 are known as evidenced by Nishida (WO 98/30073) in view of Higashi et al (EP 0834919 A2).

Applicant's discussion of subdevices is not found persuasive and raises the issue that claim 109 either has a new matter issue or an indefiniteness issue.

The requirement is still deemed proper and is therefore made FINAL.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 8/5/04 was filed after the mailing date of the final office action on 4/2/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Response to Arguments***

3. Applicant's arguments filed 10/4/04 have been fully considered but they are not persuasive.

Applicant argues the obviousness rejection of the claims is not valid because Higashi et al (U.S. Patent 6,207,549) is not available as prior art it is only available under 102(e) and applicant can assert common ownership with the reference and the

application at the time the application was filed. However, Higashi was cited as an example of what is well known and conventional and therefore can be replaced with another reference teaching the same and finality maintained. Accordingly, Higashi et al (EP 0834919 A2), which is the EP version of the U.S. Patent, is cited in place of the U.S. Patent and is available under 102(a). **All reference to Higashi in the final rejection of the claims is now directed to EP 0834919 A2.** Finality is maintained and this is not considered a new grounds of rejection. SEE MPEP 2144.03 D.

It is also noted that Applicant is considered to have acquiesced to all issues taken as well known and conventional in the final office action, pursuant to MPEP 2144.03 C, because no traversals were made.

***Allowable Subject Matter***

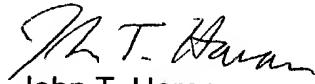
4. Claims 98-99 are allowed for the reasons indicated in paragraph 21 of the final office action mailed on 4/2/04.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran  
Examiner  
Art Unit 1733